

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

DIANNA DYCHES AND CAROLE  
FELLOWS,  
Plaintiffs,

v.

HAROLD J. SAUL AND HJS TRUCKING,  
Defendants.

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CASE NO. \_\_\_\_\_

**NOTICE OF REMOVAL**

Defendants **HAROLD J. SAUL and HJS TRUCKING, INC.** (hereafter “Defendants”) files this Notice of Removal for the purpose of removing this cause to the United States District Court for the Eastern District of Texas, Sherman Division, and states as follows:

**I. STATE COURT ACTION**

This is an action filed on or about January 30, 2018 in the 62<sup>nd</sup> District Court of Lamar County, Texas, being numbered 87233. Suit was filed by Plaintiffs Dianna Dyches and Carole Fellows (hereafter “Plaintiffs”) to recover damages arising out of a motor vehicle accident occurring on or about March 16, 2016, near Lamar County, Texas. Plaintiffs allege damages and seek monetary relief in excess of \$200,000.00.

**II. FEDERAL JURISDICTION**

Plaintiff Dianna Dyches is a citizen of the state of Texas for diversity purposes.

Plaintiff Carole Fellows is a current citizen of the state of Alabama for diversity purposes. Plaintiff Fellows was a citizen of the state of Texas when the alleged incident occurred according to her medical records in this case.

Defendant Harold J. Saul is a citizen of the State of Arkansas for diversity purposes.

Defendant HJS Trucking, Inc. is a citizen of the State of Arkansas where it is incorporated and has its principal place of business.

The amount in controversy is in excess of \$75,000, exclusive of interest and costs. There is, therefore, complete diversity of citizenship and a sufficient amount in controversy to confer jurisdiction on this court pursuant to 28 U.S.C. §1332. The above-described civil action is therefore one that may be removed pursuant to 28 U.S.C. §§1332, 1441, and 1146 and is hereby removed.

### **III. STATE COURT DOCUMENTS ATTACHED**

This Notice of Removal has been filed within thirty (30) days after receipt through service or otherwise, of Plaintiffs' Original Petition, filed in the 62<sup>nd</sup> District Court of Lamar County, Texas. Plaintiffs' Original Petition was served on Defendants on February 5, 2018. Removal is therefore timely under 28 U.S.C. §1446(b). Pursuant to 28 U.S.C. § 1446(a), Defendants have filed as the Appendix to this Notice of Removal a complete copy of the State's Court file, including copies of all process, pleadings, orders and the Summary Sheet in the State Court action.

Pursuant to 28 U.S.C. § 1446(d), Defendants will notify the Clerk of the Court in the State Court action of this removal, and will give notice thereof to all adverse parties.

### **IV. RELIEF REQUESTED**

Defendants Harold J. Saul and HJS Trucking, Inc. respectfully request that Cause No. 87233 in the 62<sup>nd</sup> District Court of Lamar County, Texas, be removed to the United States District Court for the Eastern District of Texas, Sherman Division, and that this Court accept this Notice of Removal and that it assume jurisdiction of this case and issue such further orders and processes as may be necessary to bring before it all parties necessary for the trial hereof.

Respectfully submitted,

**MARTIN, DISIERE, JEFFERSON & WISDOM, L.L.P.**

By: /s/Mark J. Dyer

**MARK J. DYER**

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**ATTORNEYS FOR DEFENDANTS**

**HAROLD J. SAUL AND HJS TRUCKING,  
INC.**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing instrument has been mailed, e-mailed, telecopied or hand delivered to all attorneys of record, in compliance with the FEDERAL RULES OF CIVIL PROCEDURE, on this the 2<sup>nd</sup> day of March 2018.

/s/ Mark Dyer

**Mark J. Dyer**